

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-01844-DLF**

TEXAS INSTITUTE FOR HEALTHY KIDS v. UNITED STATES DEPARTMENT OF AGRICULTURE  
Assigned to: Judge Dabney L. Friedrich  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/07/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**TEXAS INSTITUTE FOR HEALTHY KIDS**

represented by **C. Peter Sorenson**  
SORENSEN LAW OFFICE  
P.O. Box 10836  
Eugene, OR 97440  
(541) 606-9173  
Email: [petesorenson@gmail.com](mailto:petesorenson@gmail.com)  
*ATTORNEY TO BE NOTICED*

**Sean Terrell Malone**  
SEAN T. MALONE, ATTORNEY AT LAW  
259 E. 5th Avenue  
Suite 200-C  
Eugene, OR 97401  
(303) 859-0403  
Fax: (541) 748-1253  
Email: [seanmalone8@hotmail.com](mailto:seanmalone8@hotmail.com)  
*ATTORNEY TO BE NOTICED*

**Daniel J. Stotter**  
STOTTER AND ASSOCIATES, LLC  
408 SW Monroe Avenue  
Suite M210E  
Corvallis, OR 97333  
(541) 738-2601  
Fax: (541) 738-0611  
Email: [dstotter@qwestoffice.net](mailto:dstotter@qwestoffice.net)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**UNITED STATES DEPARTMENT OF AGRICULTURE**

represented by **Patricia K. McBride**  
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-7123  
Fax: (202) 252-2599  
Email: [patricia.mcbride@usdoj.gov](mailto:patricia.mcbride@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
08/07/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF AGRICULTURE ( Filing fee \$ 400 receipt number 0090-5625850) filed by TEXAS INSTITUTE FOR HEALTHY KIDS. (Attachments: # <u>1</u> Civil Cover Sheet)(Stotter, Daniel) (Entered: 08/07/2018)

08/07/2018	<u>2</u>	REQUEST FOR SUMMONS TO ISSUE (3) filed by TEXAS INSTITUTE FOR HEALTHY KIDS.(Stotter, Daniel) (Entered: 08/07/2018)
08/07/2018		Case Assigned to Judge Dabney L. Friedrich. (zmd) (Entered: 08/08/2018)
08/09/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF AGRICULTURE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 08/09/2018)
09/13/2018	<u>4</u>	NOTICE of Appearance by Patricia K. McBride on behalf of UNITED STATES DEPARTMENT OF AGRICULTURE (McBride, Patricia) (Entered: 09/13/2018)
09/13/2018	<u>5</u>	WITHDRAWN PURSUANT TO DOCKET ENTRY <u>6</u> .....MOTION for Extension of Time to File Answer by UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) Modified on 9/24/2018 (jf). (Entered: 09/13/2018)
09/13/2018	<u>6</u>	ERRATA by UNITED STATES DEPARTMENT OF AGRICULTURE. (McBride, Patricia) (Entered: 09/13/2018)
09/14/2018	<u>7</u>	Unopposed MOTION for Extension of Time to File Answer by UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 09/14/2018)
10/01/2018	<u>8</u>	NOTICE of Appearance by C. Peter Sorenson on behalf of All Plaintiffs (Sorenson, C.) (Entered: 10/01/2018)
10/03/2018		MINUTE ORDER granting the defendant's <u>7</u> Unopposed Motion for Enlargement of Time. Accordingly, the defendant's response to the complaint shall be filed on or before October 22, 2018, which is the next business day after the Saturday date the defendant proposed. Signed by Judge Dabney L. Friedrich on October 3, 2018. (JK) (Entered: 10/03/2018)
10/03/2018		Set/Reset Deadlines: Answer due by 10/22/2018. (JK) (Entered: 10/03/2018)
10/20/2018	<u>9</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF AGRICULTURE.(McBride, Patricia) (Entered: 10/20/2018)
10/22/2018		MINUTE ORDER requiring the parties to MEET AND CONFER and file a joint status report proposing a schedule for further proceedings. The parties shall file the joint status report on or before November 12, 2018. Signed by Judge Dabney L. Friedrich on October 22, 2018. (JK) (Entered: 10/22/2018)
11/13/2018	<u>10</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE. (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 11/13/2018)
11/20/2018		MINUTE ORDER. Upon consideration of the parties <u>10</u> Joint Status Report, it is ORDERED that the defendants motion for summary judgment and supporting Vaughn index shall be filed on or before January 30, 2019; the plaintiffs combined opposition and cross-motion for summary judgment shall be filed on or before February 28, 2019; the defendants combined opposition and reply shall be filed on or before March 28, 2019; and the plaintiffs reply shall be filed on or before April 26, 2019. (JK) Minute Order modified on 11/26/2018 to reflect correct deadlines (zjl). (Entered: 11/20/2018)
11/26/2018		Set/Reset Deadlines: The defendant's summary judgment motions due by 1/30/2019. The plaintiff's combined opposition and cross-motion for summary judgment due by 2/28/2019. The defendant's opposition and reply due by 3/28/2019. The plaintiff's reply due by 4/26/2019. (JK) (Entered: 11/26/2018)
01/09/2019	<u>11</u>	NOTICE of Appearance by Sean Terrell Malone on behalf of TEXAS INSTITUTE FOR HEALTHY KIDS (Malone, Sean) (Entered: 01/09/2019)
01/23/2019	<u>12</u>	Consent MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/23/2019)

02/20/2019	<u>13</u>	Unopposed MOTION for Extension of Time to by UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Exhibit Joint Status Report and Order)(McBride, Patricia) (Entered: 02/20/2019)
02/26/2019		MINUTE ORDER. Upon consideration of the defendant's <u>13</u> Motion to File Joint Status Report Nunc Pro Tunc and the parties' [13-1] Joint Status Report, it is ORDERED as follows: the <u>13</u> Motion to File Joint Status Report Nunc Pro Tunc is GRANTED; the defendant's motion for summary judgment shall be filed on or before April 5, 2019; the plaintiff's combined opposition to the defendant's motion for summary judgment and cross motion for summary judgment shall be filed on or before May 6, 2019; the defendant's combined opposition to the cross motion for summary judgment and reply shall be filed on or before June 7, 2019; and the plaintiff's reply shall be filed on or before July 12, 2019. It is further ORDERED that the <u>12</u> Consent Motion for a Stay is DENIED as moot. Signed by Judge Dabney L. Friedrich on February 26, 2019. (JK) (Entered: 02/26/2019)
02/26/2019		Set/Reset Deadlines: Summary Judgment motion due by 4/5/2019. Response to Motion for Summary Judgment and Cross Motion for Summary Judgment due by 5/6/2019. Reply to Motion for Summary Judgment and Opposition to Cross Motion for Summary Judgment due by 6/7/2019. Reply to Cross Motion for Summary Judgment due by 7/12/2019. (JK) (Entered: 02/26/2019)
02/26/2019		Set/Reset Deadlines/Hearings: Cross Motion due by 5/6/2019. Response to Cross Motion due by 6/7/2019. Reply to Cross Motion due by 7/12/2019. (zcdw) (Entered: 02/27/2019)
04/03/2019	<u>14</u>	MOTION for Extension of Time to <i>File a Dispositive Motion</i> by UNITED STATES DEPARTMENT OF AGRICULTURE (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 04/03/2019)
04/03/2019		MINUTE ORDER granting the defendant's unopposed <u>14</u> Motion for Extension of Time. The defendant's Motion for Summary Judgment shall be filed on or before April 17, 2019. Signed by Judge Dabney L. Friedrich on April 3, 2019. (lcdlf3) Modified signature date on 4/4/2019 (zcdw). (Entered: 04/03/2019)
04/03/2019	<u>15</u>	ERRATA by UNITED STATES DEPARTMENT OF AGRICULTURE <u>14</u> MOTION for Extension of Time to <i>File a Dispositive Motion</i> filed by UNITED STATES DEPARTMENT OF AGRICULTURE. (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 04/03/2019)
04/05/2019		MINUTE ORDER. In light of the defendant's <u>15</u> Errata Notice, correcting the content of their previous <u>14</u> Motion for Extension of Time, it is ORDERED that the briefing schedule will be adjusted as follows: the defendant's motion for summary judgment shall be filed on or before April 17, 2019; the plaintiff's combined opposition to the defendant's motion for summary judgment and cross motion for summary judgment shall be filed on or before May 20, 2019; the defendant's combined opposition to the cross motion for summary judgment and reply shall be filed on or before June 19, 2019; and the plaintiff's reply shall be filed on or before July 24, 2019. Signed by Judge Dabney L. Friedrich on April 5, 2019. (lcdlf3) (Entered: 04/05/2019)
04/05/2019		Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motion due by 4/17/2019. Response to Motion for Summary Judgment due by 5/20/2019. Reply to Motion for Summary Judgment due by 6/19/2019. Plaintiff's Cross Motion due by 5/20/2019. Response to Cross Motion due by 6/19/2019. Reply to Cross Motion due by 7/24/2019. (zcdw) (Entered: 04/05/2019)
04/17/2019	<u>16</u>	Unopposed MOTION for Extension of Time to by UNITED STATES DEPARTMENT OF AGRICULTURE (McBride, Patricia) (Entered: 04/17/2019)
04/17/2019	<u>17</u>	Unopposed MOTION for Extension of Time to by UNITED STATES DEPARTMENT OF AGRICULTURE (McBride, Patricia) (Entered: 04/17/2019)
04/19/2019		MINUTE ORDER granting the defendant's <u>17</u> Motion for Enlargement of Time to file a dispositive motion. Accordingly, it is ORDERED that the parties shall file a joint status report on or before May 30, 2019. It is further ORDERED that the defendant's duplicate <u>16</u> Motion for Enlargement of Time is denied as moot. Signed by Judge Dabney L. Friedrich on April 19, 2019. (Entered: 04/19/2019)

04/19/2019		Set/Reset Deadlines: Parties Joint Status Report due by 5/30/2019. (mac) (Entered: 04/19/2019)
05/21/2019	<u>18</u>	Joint STATUS REPORT by TEXAS INSTITUTE FOR HEALTHY KIDS. (Stotter, Daniel) (Entered: 05/21/2019)
05/21/2019		MINUTE ORDER. Upon consideration of the parties' <u>18</u> Joint Status Report, it is ORDERED that the parties shall file another joint status report on or before June 28, 2019. Signed by Judge Dabney L. Friedrich on May 21, 2019. (lcldf3) (Entered: 05/21/2019)
05/21/2019		Set/Reset Deadlines: Joint Status Report due by 6/28/2019. (zcal) (Entered: 05/21/2019)
06/27/2019	<u>19</u>	Joint STATUS REPORT by UNITED STATES DEPARTMENT OF AGRICULTURE. (McBride, Patricia) (Entered: 06/27/2019)